IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1981 OF 2006

Abhyudaya Co-operative Bank Ltd. ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

...

Mr. V.C. Ghosalkar for the Petitioner.
Mr. P.V. Sawant, AGP for the State.

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CORAM: DR. D.Y. CHANDRACHUD, J.

4th August, 2006.

P.C. :

Counsel appearing for the Petitioner states that the facts of this Petition are similar to those of Writ Petition 1982 of 2006 which has been disposed of by this Court.

The Petitioner is aggrieved by an order passed by the Assistant Registrar, Co-operative Societies dated 25th May, 2006 declining to issue a recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960. The claim of the Petitioner arises out of certain credit facilities extended to the borrowers who are Respondents 3 to 5 in these proceedings. In

view of the order which I propose to pass in this case, it is not necessary to issue a notice to Respondents 3 to 5. The Petitioner has a remedy by way of a revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960. Ex facie, a reading of Section 154 would indicate that the remedy is available not only to a borrower who is aggrieved by the issuance of a recovery certificate but, also as in the present case to the bank which is aggrieved by the non-issuance of a recovery certificate. Under Section 154 the revision lies if any decision or order is passed by any sub-ordinate officer and no appeal lies against such decision or order. Hence, it would be appropriate that this Court does not entertain the writ petition since there is an alternate remedy available. However, a grievance has been expressed on behalf of the bank that the Divisional Joint Registrar as revisional authority has not disposed of similar revisions expeditiously and there is an apprehension that the revision will remain pending for an inordinately long period of time. This apprehension can be taken care of by issuing a direction that in the event that the Petitioner moves the revisional authority within a period of four weeks from today, by filing a revision, the revisional proceedings shall be disposed of expeditiously by setting down a time schedule for such

disposal preferably by the end of January, 2007. The Petition is dismissed.